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Scoping – Draft Regulations – July 2012

Black Bass Tournament Permit

Require largemouth and smallmouth bass tournament directors to obtain a free permit before conducting bass tournaments in Maryland.

Scoping: Scoping is complete. Regulation package scheduled to be submitted to AELR 7/20/12.

Black Sea Bass

Standardize the declaration period, standardize text regarding ownership of a federally permitted vessel, clarify the limit of 2 quotas fished from the same vessel, clarify how overages will be deducted, clarify why public notices are issued, cap the permits at 14 (current number) and allow for transfer of 100% of individual's quota, but with cap on amount of quota any one individual may acquire.

Scoping: Scoping is complete. Regulation package scheduled to be submitted to AELR 7/20/12.

Penalty Updates for 2013

Adjusts the recreational, commercial, and charter boat/fishing guide penalty systems based on an annual assessment of violations. The action adds penalties for undersized hard crabs and fishing in a blind, youth area to the recreational fishing penalty system. The action increases tiers for oyster sanctuary violations, adds additional tiers for undersized hard crabs, differentiates misdemeanor and felony Lacey Act violations, and adds penalties for gill net reels, unmarked gill net corks, river herring possession, and untagged oyster containers to the commercial fishing penalty system. The action also adds penalties for undersized hard crabs to the charter boat/fishing guide penalty system. The action makes general text corrections and clarifications.

Scoping: Scoping is complete. An open house was held on June 12. Comment is favorable and package is scheduled to be submitted to AELR August 2012.

Restitution

The purpose of the action is to create a restitution system for egregious fishing violations. Currently, when someone is convicted of violating fishing laws, such as taking and possessing undersized fish, the fine they pay goes to the State's general funds. The Department may see some of that money, but it also may not. In a restitution system, which is in addition to the standard fine issued on a ticket or by a court, the money would go directly to the Department. These funds will go to protect and preserve the resource which was illegally taken. In other words, the individual in addition to a fine would have to reimburse the State, who is vested with protecting the public's resource, for the illegally harvested resource.

Scoping: Online scoping comment extended until 8/15/12.

Blue Crabbing Charters/Education Permits

Currently, the Department does not have rules pertaining to crabbing charters consolidated into one regulation. This has caused some confusion for individuals who want to charter crabbing trips. The Department would like to have one regulation which lays out all the rules in one place. A commercial tidal fish license holder with a fishing guide authorization may take recreational crabbers out crabbing for compensation. The paying customers are required to follow recreational crabbing rules and the vessel limit of 2 bushels applies.

Additionally, some tidal fish license holders would like to take individuals out on educational tours, which may include giving a demonstration of commercial activities. The regulation will clarify that an education permit is required for this activity.

Scoping: Online scoping comment extended until 8/15/12.

Gear

Creates a chapter of regulation that specifically lists recreational fishing gear and certain commercial fishing gear and restrictions pertaining to the gears' uses.

Scoping: TFAC/SFAC Gear Workgroup met in May 2012. Online scoping comment extended until 8/15/12. New draft version will be sent to TFAC and SFAC after comment period ends. Open houses will be scheduled for the Fall.

Nontidal

A wording change is needed to better describe the Put-and-Take Trout Fishing Area on Bear Creek in Garrett County. The current wording refers to "watershed" and does not accurately describe the area under Put-and-Take management. The plan is to change the wording from "watershed" to "from the corner of Fish Hatchery Road and Rabbit Hollow Road downstream to the confluence with the Youghiogheny River at Friendsville.

The North Jennings Run Put-and-Take Trout Fishing Area is adjacent to the Jennings Run Put-and-Take Trout Fishing Area in Allegany County, but each has a different closure schedule. Inland wants to place both areas under a 2, 3 closure to make enforcement easier for the Natural Resources Police. (Jennings Run is currently a 2, 3, but North Jennings is a 1, 3).

Establish Catoctin Creek (Frederick Co) within the boundaries of Catoctin Creek Park as a Delayed Harvest Trout Fishing Area. The recently developed park contains over a mile of Catoctin Creek offering a much needed public stream access in southern Frederick County. Water quality and fishery data suggest that the greatest trout fishing opportunities can be provided cost effectively with delayed harvest regulations. Once again, Frederick County Parks and Recreation have expressed support of this proposal, but we are awaiting final approval.

Change existing total Catch and Release regulation to Limited Harvest on Governors Bridge Natural Area Pond. Several electrofishing surveys have shown that the total catch and release is a bad choice, the pond is overcrowded. This area is managed by MNCPPC and they agree the pond should be Limited Harvest.

Scoping: Scoping is complete. Package is scheduled to be submitted to AELR in August 2012.

Clam FMP

A FMP for clams will include the National Shellfish Sanitation Program requirements for FDA compliance.

Scoping: Scoping will begin this fall and the change is scheduled to be submitted to AELR by December 2012.

License Targets

Commercial license targets will be updated in accordance with §4-701 requirements.

Scoping: Scoping will begin this fall and the change is scheduled to be submitted to AELR by December 2012.

Recreational Crabbing

Rules pertaining to recreational crabbing will be modified for the 2013 crabbing season.

Scoping: Scoping will begin this fall (will include open houses) and the change is scheduled to be submitted to AELR by December 2012.

Aquaculture

Creates a one inch maximum seed size limit and a harvest minimum size limit of two inches. Only allows harvest of aquacultured oysters less than three inches outside of commercial oyster season and allows a 5% tolerance limit (same as commercially harvested oysters). Adds an application fee for water column leases of \$300 (same as submerged land leases) and an annual rent of \$25 per acre for all water column leases.

Scoping: Scoped at the Aquaculture Coordinating Council meetings May-July 2012. Emergency expected to be submitted by 7/30/12.